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**FEB 28 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Underbrink et al.	:	
Application No. 09/394,189	:	DECISION
Filed: September 13, 1999	:	ON PETITION
Atty Docket No.:	:	
13629.0023	:	

This is a decision on the Petition to Withdraw Holding of Abandonment, filed January 13, 2005. The petition is properly treated under 37 CFR 1.181.

The petition is **granted.**

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Drawing Inconsistency with Specification ("Notice"), mailed August 30, 2005. The Notice set a non-extendable 30-day period for reply. No reply having been received, this application became abandoned on October 1, 2005.

The instant petition

Applicant responds with the instant petition wherein Applicant avers that a timely reply to the Notice was filed on September 13, 2005 (Certificate of Mailing dated September 8, 2005), and was received by this Office as evidenced by Applicant's return-receipt postcard.

A review of the drawing and return-receipt postcard reveal that the serial number placed on the correspondence is 09/384,189, and not 09/394,189. The attorney docket number placed on the correspondence also does not match that filed with the above-identified application.

A further review of the correspondence filed September 13, 2005 reveal that the correct applicant, filing date of the application, Art Unit and Examiner were included on the correspondence.


In view of the above, it is apparent that the Response to Notice was filed in this Office on September 13, 2005, and due to errors on the part of applicant and this Office, was inadvertently misplaced. Accord MPEP 502.

Accordingly, the holding of abandonment is hereby withdrawn.

No fee has been charged and none is due.

The application will be referred to Publishing Division for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods

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